

**APPROVED BY THE BOARD OF SELECTMEN**

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
AUGUST 29, 2005**

**ATTENDANCE:** Evonne M. Klein, First Selectwoman; Dr. Joseph Miceli;  
Linda Santarella; Robert Harrel, Jr.; Barbara Thorne

**STAFF:** John Crary, Administrative Officer

**OTHERS:** Wayne Fox, Town Counsel; Robert Steeger

**CALL TO ORDER**

The First Selectwoman called the Regular Meeting to order at 5:35 p.m.

**FIRST SELECTWOMAN'S REPORT**

First Selectwoman Klein reported that articles have appeared in the papers pertaining to speeding and giving out tickets. She said she receives complaints every day and was working with the Police Department that the message gets out that people will be ticketed. She added that school was starting and everyone should yield to pedestrians in the crosswalks and stop for school buses.

She reported that truck traffic safety has been in the news since the Avon accident and a concern was the lack of operational hours at the Greenwich Weigh Station. She stated that last March the Board of Selectmen lobbied the State legislators to keep the weigh station open longer and this year it was on SWRPA's legislative agenda. She reported that she will continue to work with State Senators on this matter.

The First Selectwoman reported that the Noroton Heights' train station pedestrian work on the underdecking of the overpass began today. She said the contractor was setting up a support system to replace the concrete flooring in the overpass and commuters will be contacted. During the replacement, the overpass will be closed and there will be a detour route for commuters. The project is expected to take 2 to 3 weeks.

Ms. Klein reported that she met with the Economic & Community Development group and there may be opportunities to obtain funds in respect to the Senior Center renovation or to build a new building.

She reported that tomorrow she will meet with CL&P to discuss a memo of understanding pertaining to the Glenbrook cable project.

The First Selectwoman reported that on Sunday, 9/11, at 4:00 p.m., there will be a moment of silence and a wreath will be placed on the monument at the memorial behind the middle school.

### **ADMINISTRATIVE OFFICER'S REPORT**

Mr. Crary reported that he received the paperwork from the State for the Steap Grant for the work to be done at Pear Tree Beach and Tilly Pond. He stated that on Thursday the money will go in the bank and Sue Swiatek will start handling the implementation of the work. He reported that there may be an opportunity for another Steap Grant for this year and he was waiting for information from the State that the application was available. He added that preliminary use of the funds would be for downtown sidewalks and signage.

### **SENIOR CENTER TASK FORCE REPORT**

Ms. Santarella reported that two of the Senior Center Task Force members will be working on a survey to be sent out and the process will be presented to the Task Force on Wednesday. She stated that engineer, Jim Longo, looked at the present Senior Center building to see if it was structurally sound and a report was forthcoming. She stated that she will bring an interim report to the Board of Selectmen by their September 19th meeting and then a final report will be ready in December. Ms. Santarella added that there is a possibility that the Senior Center will be State mandated to have a Senior Day Care which would have different requirements for the building.

### **NEW BUSINESS**

**a) Discuss Registrar's Office Budget transfer for Republican Primary on September 13, 2005**

Ms. Klein referred to a letter from Town Counsel, Wayne Fox, pertaining to the compensation to the Registrar of Voters. Wayne Fox stated that he reviewed the sections of the Darien Code (Statutes) as to whether or not the Registrars could receive extra pay as a result of the primary election. He stated that there does not seem to be anything to prohibit it and it was not in violation of the Charter or Statutes as long as it was reviewed by the appropriate body of the municipality. Mr. Don Smith, Republican Registrar, stated that this had been the practice in the past. Ms. Klein concurred that the practice was in place for a number of years.

**\*\* MR. HARREL MOVED TO REINSTATE THE TRANSFER OF \$2,000 TO THE REGISTRAR'S OFFICE BUDGET FOR THE REPUBLICAN PRIMARY ON SEPTEMBER 13, 2005.**

**\*\* MS. THORNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**b) Discuss and Take Action on the request from Friends of Goodwives River to create a temporary stockpile location at the Darien town dump for dredged material**

Mr. Bob Steeger pointed out on a map an area of the northeast corner of the dump where space will be made available for the temporary storage of dredged material from several ponds. He reported that the proposal brought forward from the Friends of Goodwives River was to use a new dredging method, a guzzler truck, which was a vacuum method of pond dredging. Mr. Steeger said that the

Draft Agreement protects the Town from eventualities that will occur since its never been done in the Town before. He also stated that he had contacted the CT DEP, Solid Waste, and Inland Wetland people and there were no conflicts with any of them.

Mr. Harrel asked how long the dewatering would take place. Mr. Steeger replied that it could take months and he did not know how long. Ms. Klein asked how many ponds would be dredged and Mr. Steeger replied three. Ms. Thorne asked if this could be an experiment relative to dredging the Town Hall pond. It was discussed that the cost to dredge the Town Hall pond was \$215,000 and using this method could be a considerable savings. Mr. Steeger replied that if this turned out to be a feasible approach it could be done at the Town Hall Pond. Ms. Thorne asked Mr. Steeger if they had the space to do it and if he also recommended it. Mr. Steeger replied that he had the space on a limited basis, he recommended trying it on a limited basis. He stated that he had concerns but he felt that they were covered in the Draft Agreement.

Ms. Thorne asked who would evaluate its success and pull the plug if there was an problem with the material. Mr. Steeger replied that he would, although he would not be alone. Dr. Miceli asked who would evaluate the quality of the material and wanted some reassurance that they were not contaminating the Town's land. Mr. Steeger replied that the likelihood of contamination was small and the materials had been described as virgin material. Mr. Harrel asked if the Draft Agreement spelled out who owned the material. Wayne Fox stated that it did not specifically say who owned it but it states that the Town was allowing them, on a temporary basis, to store the material. He stated that they should incorporate ownership in the Draft Agreement. Mr. Steeger stated that there would be a significant advantage to the Friends of Goodwives River if it was determined that this was a desirable commodity. He added that if it was found to be desirable material, the Town would want ownership. Ms. Thorne stated that if they were going to rent the space, the Town should be compensated. Dr. Miceli stated that it would be a commercial operation. Mr. Crary stated that there were a lot of unknowns, they did not know the condition of the material, and they did not have as many staff to work on it. He added that if they do proceed it should be kept limited to make it successful.

Ms. Klein commented that the Town had a number of waterways and this was a way to encourage dredging to occur and to have healthier waterways. Mr. Harrel asked what the timing was and Mr. Steeger replied that they wanted to start tomorrow.

Mr. Richard Windels, President of the Friends of Goodwives River, stated that their intention was not to make money off of the sediment. He stated that the DEP had already tested the material and it was very clean stuff. He continued that he did not want this to be a mulching operation but his intention was to clean up more ponds in the Town. He added that the estimated cost of dredging the Town Hall Pond could be cut dramatically and it would be a viable future method for minimizing the cost of cleaning the Town Hall pond in the future. He continued that the problem with using the guzzler truck was that the operators were from West Virginia and were in the area tomorrow. He hoped to have one small pond dredged tomorrow. Ms. Klein asked how many ponds he was going to dredge and Mr. Windels replied Cox Pond, Birch Pond and Salisbury Pond. He stated that he would know if there was a problem and this was not going to work after the first pond was done. Ms. Thorne commented that they should be cautious about ownership and at what point they own it. Wayne Fox replied that they will have option to have ownership and he would include that in the Agreement.

Ms. Klein asked when the first delivery to the dump site would be and Mr. Windels replied it would be tomorrow. He stated that it would not be a huge risk to the Town. He reported that they would start at 8:15 AM at the Harrison House on Birch Road, it would take approximately 1 ½ hours for the process, and then they will bring it to the dump. Mr. Steeger stated that he would monitor the process.

- \*\* MS. SANTARELLA MOVED TO APPROVE THE REQUEST FROM FRIENDS OF GOODWIVES RIVER TO CREATE A TEMPORARY STOCKPILE AT THE DARIEN TOWN DUMP FOR DREDGED MATERIAL.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**c) Friends of Woodland Park - discuss dredging of Turtle Pond**

Ms. Dot Kelly, Director and Ms. Betty Jewett, President of the Friends of Woodland Park were present. First Selectwoman Klein stated that the check for \$10,000 as the Town's contribution to the project, will be cut tomorrow. She stated that this was a public/private partnership and she commended Ms. Kelly and Ms. Jewett on a job very well done and thanked them for raising the money and coordinating the project. Ms. Kelly stated that they had anticipated 200 cubic yards of material and got 400 cubic yards.

**d) Discuss and Take Action on ITP Triathlon scheduled for October 1, 2005**

Mr. Carl Pombar and Mr. Michael McGuire, Jr. were present. Dr. Miceli commented that it was nice that the Town could help out with this venture. Ms. Santarella asked about traffic delays and questioned if there were specific intersections where there would be police presence. Mr. McGuire distributed a spreadsheet showing the course of logistics and timetable and noted the areas where there will be police presence.

- \*\* DR. MICELI MOVED TO APPROVE THE ITP TRIATHLON SCHEDULED FOR OCTOBER 1, 2005.**
- \*\* MS. SANTARELLA SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

The First Selectwoman asked to suspend the rules so that Item F on the agenda could be heard at this time.

- \*\* DR. MICELI MOVED TO SUSPEND THE RULES TO HEAR ITEM F ON THE AGENDA.**
- \*\* MR. HARREL SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**f) Presentation by Chuck Coursey, of Broadwater Energy re: their LNG terminal proposal**

Mr. Joel Rinebold and Mr. John Hritcko were present. Mr. Rinebold stated that this was a large project and he wanted everyone to understand the facts on why it was needed. He stated that he would also review the energy and environmental issues. He reported that there was a critical need

for new energy supplies in NY and CT and there was reason to be concerned because oil prices recently hit \$70/barrel and were rising. He continued that to close the gap between energy demand and supply and to stabilize energy prices while advancing air quality and economic gains, the region must look to diversify sources of natural gas. He reported that a solution was to import liquefied natural gas – LNG. He reported that Broadwater had developed plans to import LNG to a terminal at a proposed location 9 miles away from NY and 11 miles from CT. The terminal would connect with the existing Iroquois Gas Transmission system pipeline via an underwater connecting pipeline 25 miles long. He stated that the benefits would be to improve supply reliability and diversity, stabilize prices, avert energy shortages and advance environmental goals while continuing to grow the regional economy. He stated that natural gas was cleaner and the fuel of choice.

Mr. Hritcko, Senior Vice President and Regional Project Director of Broadwater, stated that the country is in need of more natural gas and will not be able to keep up with the demand. He stated that CT and NY set the standards for renewables but will need to supplement them. Broadwater will bring in a new supply of natural gas to the region which was important because of declining supplies. He stated that they were in the process of rolling this information out to the general public and getting their input. They will continue to do this in September and will hold Coast Guard meetings later this month.

Mr. Hritcko stated that they would not do this if it were not environmentally sound and he had testimony from scientists that knew the sound and their conclusion was that the impact would be minimal. Ms. Thorne asked if the new source would come in by tanker and Mr. Hritcko replied that it would. Ms. Thorne stated that safety and security were the key and could the Coast Guard handle more. Mr. Hritcko replied that the Coast Guard was looking into this.

Mr. Bud Raleigh asked what the benefit would be to Connecticut as opposed to New York and Long Island. Mr. Hritcko replied that the bulk of gas will flow to New York and 25% will go to Connecticut.

**e) Discuss the issue of eminent domain laws involving private residences**

Ms. Klein asked if the Board of Selectmen wanted to take a position or establish an ordinance on the recent State ruling pertaining to eminent domain.

The Board of Selectmen concurred that no action will be taken.

**g) Resolution setting the Town Administrative Officer salary for the 2005/06 fiscal year**

Mr. Harrel questioned the Town Administrator's current salary and Mr. Crary reported that this was an increase of 4.6%. Ms. Santarella thanked Mr. Crary for his patience and tolerance and the Board concurred that he was doing a good job.

**\*\* DR. MICELI MOVED TO APPROVE THE FOLLOWING RESOLUTION RE  
TOWN ADMINISTRATIVE OFFICER SALARY FOR FY 2005-2006:**

**RESOLVED THAT THE SALARY OF THE POSITION OF TOWN**

**ADMINISTRATIVE OFFICER BE SET AT \$135,174 FOR THE FISCAL YEAR 2005/06.**

**\*\* MR. HARREL SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

**h) End of Year Budget Transfer:**

**1. Sewer Operations Fund**

The legal budget for the Sewer Operating Fund is a "bottom=line" budget, meaning that as long as the total budget is not over-expended, there are no legal issues and no transfers need to be done. However, as was done last year, I am asking the Board to review and approve this transfer to give you a picture of transactions during the year.

Some notes:

- Salary overruns are related primarily to winter expenses.
- There are favorable balances in facility repairs, system rehab, root control among others.
- Medical & dental claims were higher than anticipated.

**RESOLVED:**

That the following transfer of appropriations is approved by the Board of Finance

From			To		
Acct #	Account	Amount	Acct #	Account	Amount
<b>Sewer Admin</b>			<b>Sewer Admin</b>		
24488804-81004	Overtime	5,280	24448804-81001	Sewer Payroll – Full Time	72
24448804-82033	Water Use Data	4,772	24448804-82004	Clerical Services	160
			24448804-82012	Legal Fees	6,088
			24448804-82333	Engineering	8,344
			24448804-83001	Office Supplies	190
<b>Sewer Collection &amp; Treatment</b>			<b>Sewer Collection &amp; Treatment</b>		
24448814-82003	Training services	1,755	24448814-81003	Seasonal & Temp	2,634
24448814-82040	Motorized Equip. Repair	5,000	24448814-81004	Overtime	2,551
24448814-82041	Facility Repair	24,159	24448814-82051	Electricity	18,267
24448814-82050	Telecomm	1,077	24448814-82053	Potable Water	3,820
24448814-83007	Operating Supp	9,205	24448814-830041	Motor Fuel & Lubricants	2,297
24448814-84031	Root Control	4,209	24448814-83005	Heating fuel	6,204
<b>Sewer Treatment</b>			<b>Sewer Treatment</b>		
			24448824-82060	Sewage Treatment	1,641
<b>Sewer Overhead</b>			<b>Sewer Overhead</b>		
24448834-82106	Social Security	1,685	24448834-82100	Medical	1,561
			24448834-82101	Dental	3,243
			24448834-82103	Life & AD&D	70
		<b>57,142</b>			<b>57,142</b>

**\*\* DR. MICELI MOVED TO APPROVE THE FOLLOWING TRANSFER FOR REFERRAL TO THE BOARD OF FINANCE:**

<b>From</b>			<b>To</b>		
<b>Acct #</b>	<b>Account</b>	<b>Amount</b>	<b>Acct #</b>	<b>Account</b>	<b>Amount</b>
<b>Sewer Admin</b>			<b>Sewer Admin</b>		
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24448814-84031	Root Control	4,209	24448814-83005	Heating fuel	6,204
<b>Sewer Treatment</b>			<b>Sewer Treatment</b>		
			24448824-82060	Sewage Treatment	1,641
<b>Sewer Overhead</b>			<b>Sewer Overhead</b>		
24448834-82106	Social Security	1,685	24448834-82100	Medical	1,561
			24448834-82101	Dental	3,243
			24448834-82103	Life & AD&D	70
		<b>57,142</b>			<b>57,142</b>

**\*\* MS. THORNE SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

### **PUBLIC COMMENT**

There were none.

### **FORTHCOMING MEETINGS**

- September 6, 2005 Board of Selectmen Regular meeting at 5:30 p.m.
- September 6, 2005 Board of Finance Special meeting at 7:45 p.m.
- September 6, 2005 Planning & Zoning Planning meeting at 8:00 p.m.
- September 13, 2005 Planning & Zoning General meeting at 8:00 p.m.
- September 19, 2005 Board of Selectmen Regular meeting at 7:30 p.m.

## **APPROVAL OF PREVIOUS MINUTES**

### **Regular meeting of August 15, 2005**

The following change was made to the minutes:

Page 5: Remove the Motion to put Item G, the planning task force, on the next agenda.

- \*\* MS. SANTARELLA MOVED TO APPROVE THE MINUTES OF AUGUST 15, 2005 AS AMENDED.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

## **EXECUTIVE SESSION**

- \*\* DR. MICELI MOVED TO GO INTO EXECUTIVE SESSION AT 7:10 PM TO CONDUCT INTERVIEWS.**
- \*\* MR. HARREL SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

### **INTERVIEWS—7:00 p.m.**

- a) 7:00 p.m. Interview Janet Evans, nominee of the Democratic Town Committee, for appointment to the Housing Authority.
- b) 7:15 p.m. Interview Charles Deluca, nominee of the Democratic Town Committee, for appointment to the Zoning Board of Appeals.

## **RECONVENE IN PUBLIC SESSION**

- \*\* MS. SANTARELLA MOVED TO COME OUT OF EXECUTIVE SESSION AT 7:40 PM.**
- \*\* DR. MICELI SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

## **APPOINTMENTS/REAPPOINTMENTS**

- a) Consider and take action on the following appointments:
  - 1. Janet Evans (D) as a member of the Housing Authority, to fill the term of John Hrusa beginning 5/19/03 and expiring on 6/3/06.**
  - 2. Charles Deluca (D) as a member of the Zoning board of Appeals, to fill the term of Wayne Becker beginning 7/1/03 and expiring on 6/30/06.**



**\*\* MR. HARREL MOVED TO APPROVE THE FOLLOWING APPOINTMENTS:**

**JANET EVANS (D) AS A MEMBER OF THE HOUSING AUTHORITY, TO FILL THE TERM OF JOHN HRUSA BEGINNING 5/19/03 AND EXPIRING ON 6/3/06;**

**CHARLES DELUCA (D) AS A MEMBER OF THE ZONING BOARD OF APPEALS, TO FILL THE TERM OF WAYNE BECKER BEGINNING 7/1/03 AND EXPIRING ON 6/30/06.**

**\*\* DR. MICELI SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**b) Consider and take action on the following reappointments:**

**1. Architectural Review Board—Judy Groppa for a term beginning 7/1/05 and expiring on 6/30/09.**

**2. Cable TV Commission—Jim Cameron(D) for a term beginning 4/30/05 and expiring on 5/1/07.**

**3. Dave Dever (R) as a representative to the Area Nine Cable Council for a term beginning 7/1/05 and expiring on 6/30/07.**

**4. Jim Cameron (D) as a representative to the Area Nine Cable Council for a term beginning 7/1/05 and expiring on 6/30/07.**

**\*\* MS. SANTARELLA MOVED TO APPROVE THE FOLLOWING REAPPOINTMENTS:**

**ARCHITECTURAL REVIEW BOARD—JUDY GROPPA FOR A TERM BEGINNING 7/1/05 AND EXPIRING ON 6/30/09.**

**CABLE TV COMMISSION—JIM CAMERON(D) FOR A TERM BEGINNING 4/30/05 AND EXPIRING ON 5/1/07.**

**DAVE DEVER (R) AS A REPRESENTATIVE TO THE AREA NINE CABLE COUNCIL FOR A TERM BEGINNING 7/1/05 AND EXPIRING ON 6/30/07.**

**JIM CAMERON (D) AS A REPRESENTATIVE TO THE AREA NINE CABLE COUNCIL FOR A TERM BEGINNING 7/1/05 AND EXPIRING ON 6/30/07.**

**\*\* MS. THORNE SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**OTHER BUSINESS (A two-thirds majority vote is required to add an item to the agenda)**

There was no Other Business.

**\*\* MS. SANTARELLA MOVED TO ADJOURN.**  
**\*\* DR. MICELI SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Donna DeVito  
Telesco Secretarial Services